

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IN RE GENERAL ELECTRIC COMPANY
ERISA LITIGATION

No. 06-CV-315
(GLS/DRH)
(Lead Case)

**NOTICE OF FIRST MOTION
TO DISMISS THE ENTIRE COMPLAINT
FOR FAILURE TO STATE A CLAIM**

MOTION BY: General Electric Company, GE Asset Management Incorporated, and the following 69 Individual Defendants:¹

Ameen, Philip D.; Beckmann, Barbara A.; Bolton, Eugene K.; Brown, Christopher D.; Carlson, David B.; Caruso, Lawrence S.; Cary, William H.; Cash, Jr., James I.; Castell, William M.; Chang, Alfredo; Colonna, Paul; Conaty, William J.; Conway, Tom; Cook, L. G.; Cosgrove, Michael J.; Delaney, Mark; Fitzsimons, Shane; Fresco, Paolo; Fudge, Ann M.; Gonzalez, Claudio X.; Gorman, M. J.; Gould, Eric H.; Harris, Wiley L.; Healey, William M.; Herlihy, Robert; Hopkinson, Brian; Immelt, Jeffrey R.; Janki, Daniel; Jung, Andrea; Karlic, Kathryn D.; Krakowiak, Mark; Krenicki, Jr., John; Lafley, Alan G.; Lane, Robert W.; Langone, Kenneth G.; LaPorta, Jeanne M.; Larsen, Ralph S.; Layman, Ralph R.; Lazarus, Rochelle B.; Leonard, T.F.; Lewis, Alan M.; Lucas, William J.; MacDougall, Robert A.; Malone, Edward H.; McNealy, Scott G.; Meyer, Lee; Michelson, Gertrude G.; Myers, John H.; Nunn, Sam; Passmore, Jonathan L.; Penske, Roger S.; Peters, Susan P.; Pressman, Ronald R.; Rhodes, Frank H. T.; Rogers, Gary, L.; Rowe, Allan O.; Samuels, John M.; Saperstein, Marc J.; Sherin, Keith S.; Sigler, Andrew C.; Studer, Judith A.; Swieringa, Robert J.; Torey, Donald W.; Wald, J.; Walker, John J.; Warner, Douglas A.; Wehner, Diane M.; Welch, John F.; and Wright, Robert C.

¹ Those individuals who have not been served and do not join this motion are Silas S. Cathcart (deceased), Dennis D. Damerman, Lawrence R. Johnston, John D. Lockton (deceased), and Robert E. Pfenning (deceased).

DATE, TIME,
AND PLACE: Date and Time: **To Be Determined**²
509 James T. Foley
United States Courthouse
445 Broadway
Albany, NY 12207-2936

SUPPORTING
PAPERS: Declaration of Christian J. Pistilli
Memorandum of Law

RELIEF
SOUGHT: Dismissal of the entire Complaint under Federal Rule of Civil Procedure
12(b)(6)

² By its Order of August 3, 2006, the Court extended, until January 15, 2007, the time for Defendants to answer or otherwise move with respect to the consolidated and amended complaint. Because that date was a federal holiday, Defendants are filing this motion and two other motions to dismiss on the next business day, January 16, 2007. In its August 3, 2006 Order, the Court also extended the time for Plaintiffs to respond to any such motions until ninety (90) days after filing, which would make such oppositions due on April 16, 2007, but did not set a time for Defendants to reply thereto. Plaintiffs have consented to Defendants' having ninety (90) days to file their reply memoranda. After Plaintiffs have filed their oppositions, Defendants will move the Court to set a date for the filing of Defendants' reply memoranda, and, in light of that date, will set a return date for this motion and the two accompanying motions to dismiss.

Dated: January 16, 2007

DREYER BOAJIAN LLP

/s/

WILLIAM J. DREYER (Bar Roll #101539)
April M. Wilson (Bar Roll #105797)
75 Columbia Street
Albany, NY 12210
(518) 463-7784

Jeffrey G. Huvelle
Thomas L. Cubbage III
Christian J. Pistilli
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 662-6000

John J. Buckley, Jr.
Dane H. Butswinkas
Jonathan M. Landy
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5000

Attorneys for Moving Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE GENERAL ELECTRIC COMPANY
ERISA LITIGATION

No. 06-CV-315
(GLS/DRH)
(Lead Case)

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2007, I caused to be electronically filed the foregoing Notice of Motion and all supporting Papers referenced therein with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Jeffrey J. Sherrin
O'Connell, Aronowitz Law Firm
54 State Street
9th Floor
Albany, NY 12207-2501
518-462-5601
Fax: 518-462-6486
Email: jsherrin@oalaw.com

Lori G. Feldman
Milberg, Weiss Law Firm
One Pennsylvania Plaza
Suite 4915
New York, NY 10119-0165
212-594-5300
Fax: 212-273-4457
Email: lfeldman@milbergweiss.com

James A. Shannon
O'Connell, Aronowitz Law Firm - Albany Office
54 State Street
9th Floor
Albany, NY 12207-2501
518-462-5601
Fax: 518-462-6486
Email: jshannon@oalaw.com

Evan J. Kaufman
Lerach, Coughlin Law Firm
58 South Service Road
Suite 200
Melville, NY 11703
631-454-7733
Fax: 631-367-1173
Email: ekaufman@lerachlaw.com

Mark S. Reich
Lerach, Coughlin Law Firm
58 South Service Road
Suite 200
Melville, NY 11703
631-367-7100
Fax: 631-367-1173
Email: Mreich@lerachlaw.com

Dated: January 16, 2007

/s/ CHRISTIAN J. PISTILLI